

Attention Property Owner: A land use proposal has been submitted for property near where you live or near property you own elsewhere. State law requires that the county notify property owners within a certain distance from this property. The proposal and address of the property is described in the "Application" section below. The decision in this case does not directly affect the zoning or use of your property. If you object to the decision, refer to the "Appeal" section. If you have questions, contact the staff person listed at the end of this report.

**NOTICE OF DECISION  
ADJUSTMENT CASE NO. 18-003**

**APPLICATION:** Application of R & K Properties, LLC for an adjustment to allow a gravel surface parking area on a 0.14 acre parcel in a CR (Commercial Retail) zone located in the 3400 block of Ward Dr. NE, Salem (T7S; R3W; Section 12AA; tax lot 900).

**DECISION:** The Planning Director for Marion County has **APPROVED** the above-described Adjustment, subject to certain conditions.

**EXPIRATION DATE:** This decision is valid only when exercised by **August 8, 2020** unless an extension is granted. The effective period may be extended for one year subject to approval of an extension. Request for an extension must be submitted to the Planning Division prior to expiration of the approval (form available from the Planning Division).

**WARNING:** A decision approving the proposal is for land use purposes only. Due to septic, well and drainfield replacement areas, this parcel may not be able to support the proposal. To be sure the subject property can accommodate the proposed use the applicant should contact the Building Inspection Division, (503) 588-5147.

**This decision does not include approval of a building permit.**

**CONDITIONS:**

1. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the use until the following condition has been satisfied:

***Condition A** – Prior to establishment of the proposed use on the subject property, acquire a Stormwater Permit from MCPW Engineering that will entail submission of an engineered grading and drainage plan, and, implement those required improvements, if any, related to stormwater management for the subject property as well as including the adjacent 0.46-acre parcel under similar ownership and observed usage assigned tax lot 073W12AA01000.*

**APPEAL PROCEDURE:** The Marion County Zone Code provides that certain applications be considered first by the County Planning Director. If there is any doubt that the application conforms with adopted land use policies and regulations the Director must deny the application. Anyone who disagree with the Director's decision may appeal the decision to a Marion County hearings officer. The applicant may also request reconsideration (one time only and a \$200.00 fee) on the basis of new information subject to signing an extension of the 150 day time limit for review of zoning applications.

A public hearing is held on appeals subject to the appellant paying a \$250.00 fee. Appeals must be in writing (form available from the Planning Division) and received in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem by 5:00 p.m. on **August 8, 2018**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective on **August 9, 2018** unless appealed.

**FINDINGS AND CONCLUSIONS:** Findings and conclusions on which the decision was based are noted below.

1. The property is designated Commercial Salem Area Comprehensive Plan. The purpose of this designation and the corresponding CR (Commercial Retail) zone is to provide areas suitable for professional and general commercial offices, sales, services and accommodations.
2. The property is located on the west side of Ward Drive in the 3400 block. The parcel is unimproved.
3. Surrounding properties to the north and west are zoned CR (Commercial Retail) and on the south and east by property in an RM zone. To the southeast is property inside the City of Salem.

4. The applicant proposes an adjustment to allow a gravel surface parking area on a 0.14 acre parcel.
5. Public Works Land Development and Engineering Permits requested that Condition A be included in the land use decision. LDEP also commented on requirements that are not part of the land use decision and available for review in the planning file. LDEP will not approve the final use until the following condition has been met:

*“**Condition A** – Prior to establishment of the proposed use on the subject property, acquire a Stormwater Permit from MCPW Engineering that will entail submission of an engineered grading and drainage plan, and, implement those required improvements, if any, related to stormwater management for the subject property as well as including the adjacent 0.46-acre parcel under similar ownership and observed usage assigned tax lot 073W12AA01000.*

Stormwater detention may be required for 0.5-acres or more of development. The subject 0.14-acre piece, combined with the adjacent 0.46-acre parcel that has been rocked-in and on which some product is stored, will trip the aforementioned acreage threshold. Stormwater detention is typically an engineering Requirement; however, the timing for completion is being made into a Condition due to a perceived absence of need for building permits under which compliance with any stormwater requirements could otherwise be ensured. Note: Stormwater water quality treatment is not anticipated to be required.”

6. In order to approve the adjustment, the criteria found in 16.41.030 MCC must be satisfied. These include:
  - (a) *The proposed development will not have a significant adverse impact upon adjacent existing or planned uses and development; and*
  - (b) *The adjustment will not have a significant adverse affect upon the health or safety of persons working or residing in the vicinity; and*
  - (c) *The adjustment is the minimum necessary to achieve the purpose of the adjustment and is the minimum necessary to permit development of the property for the proposed use; and*
  - (d) *The intent and purpose of the specific provision to be adjusted is clearly inapplicable under the circumstances; or, the proposed development maintains the intent and purpose of the provision to be adjusted.*
7. The proposal is to expand the existing graveled inventory storage areas on adjacent parcels onto the subject parcel and should have little or no impact on adjacent uses. Since use is for storage of vehicles, the impact will be minimal. The health and safety of persons working and residing in the area should not be impacted by the proposed adjustment. Allowing the gravel surface in lieu of paving at this time is the minimum necessary to accommodate the applicant’s inventory storage of recreational vehicles. The purpose and intent of requiring parking areas in the urban growth boundary to be paved is to accommodate heavier traffic volumes. The existing parking lot is graveled and has adequately served the use, therefore, should also adequately serve the facility.
8. Based on the above findings, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**, subject to conditions.

Joe Fennimore  
Planning Director

Date: July 24, 2018

If you have any questions regarding this decision contact Patty Dorr at (503) 588-5038.

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this Notice, it must promptly be forwarded to the purchaser.